

REMARKS

Initially, in the Office Action dated July 19, 2004, the Examiner objects to the drawings as failing to comply with 37 C.F.R. §1.84(p)(5). Claims 3, 6 and 8 are objected to because of informalities. Claim 12 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 4 and 10 have been rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,014,694 (Aharoni et al.). Claims 5 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Aharoni et al. Claims 1-3, 7-9, 11 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Aharoni et al. in view of U.S. Patent No. 6,658,476 (Van).

By the present response, Applicants have canceled claims 2 and 5 without disclaimer. Further, Applicants have amended claims 1, 3, 4, and 6-12 to further clarify the invention. Applicants have submitted new claim 13 for consideration by the Examiner and assert that this claim does not contain any prohibited new matter. Claims 1, 3, 4, and 6-13 remain pending in the present application.

Drawings Objections

The drawings have been objected to as failing to comply with 37 C.F.R. §1.84(p)(5). Applicants have amended the specification to further clarify the invention and to include reference characters in the figures not mentioned in the description. Accordingly, Applicants respectfully request that these objections be withdrawn.

Claim Objections

Claims 3, 6 and 8 have been objected to because of informalities. Applicants have amended these claims to further clarify the invention and respectfully request that these objections be withdrawn.

35 U.S.C. §112 Rejections

Claim 12 has been rejected under 35 U.S.C. §112, second paragraph. Applicants have amended this claim to further clarify the invention and respectfully request that this rejection be withdrawn.

35 U.S.C. §102 Rejections

Claims 4 and 10 have been rejected under 35 U.S.C. §102(a) as being anticipated by Aharoni et al. Applicants respectfully traverse these rejections.

Aharoni et al. discloses a system for adaptively transporting video over networks wherein the available bandwidth varies with time that includes a video/audio codec that functions to compress, code, decode and decompress video streams that are transmitted over networks having available bandwidths that vary with time and location. Depending on the channel bandwidth, the system adjusts the compression ratio to accommodate a plurality of bandwidths ranging from 20 Kbps for POTS to several Mbps for switched LAN and ATM environments. Bandwidth adjustability is provided by offering a trade-off between video resolution, frame rate and individual frame quality.

Regarding claims 4 and 10, Applicants submit that Aharoni et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter

alia, bandwidth calculating means for calculating a bandwidth of the network route to be used for transmission of requested video contents, or means for managing information of a total available bandwidth for video content transmission of a network route between each video content plate terminal and each video content transmitting server, and information of a bandwidth now in use for the video content transmission where the bandwidth information managing means includes a table storing information indicative of a relation between each network route, the total available bandwidth and the bandwidth now in use. Aharoni et al. merely discloses means for calculating approximation of a route bandwidth through transmission of a packet and means for selecting a most desirable server among a plurality of servers having video contents of different quality. Aharoni et al. does not disclose or suggest a bandwidth information managing means including a table storing information indicative of a relation between each network route, the total available bandwidth and the bandwidth now in use, as recited in the claims of the present application. In the §103 portion of the Office Action, the Examiner admits that Aharoni et al. does not disclose or suggest a bandwidth information managing means including a table. Therefore, these §102 rejections have been successfully traversed.

However, the Examiner asserts that it would have been obvious to one having ordinary skill in the art to modify the system of Aharoni et al. with a table. Applicants respectfully disagree. Applicants respectfully request the Examiner to provide further support for these assertions by citing an appropriate prior art reference, as well as motivation to combine any combination of references asserted. Applicants

respectfully request the Examiner to provide a prior art reference to support not just a table, but a table storing a name of each network protocol capable of video content transmission between each terminal and each video content transmitting server, as recited in the claims of the present application. Further, the Examiner cites the rate controller 222 in col. 18, lines 56-59 in Aharoni et al. as reading on the claimed bandwidth information managing means. However, there is no disclosure or suggestion in Aharoni et al. that the rate controller includes a table. Moreover, Aharoni et al. does not disclose or suggest anything related to a table storing information indicative of a relation between each network route, the total available bandwidth and the bandwidth now in use, as recited in the claims of the present application.

Accordingly, Applicants submit that Aharoni et al. does not disclose or suggest the limitations in the combination of each of claims 4 and 10 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 5 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Aharoni et al. Applicants have canceled claim 5 therefore rendering this rejection moot. Regarding claim 6, Applicants submit that this claim is dependent on independent claim 4 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicants submit that the Examiner's Official Notice does not overcome the substantial defects noted

previously regarding Aharoni et al. Further, Applicants respectfully request the Examiner to provide art to support these assertions of Official Notice as well as the assertions of limitations being inherent. In addition, the Examiner provides no teaching or suggestion in Aharoni et al. to support motivation to modify the system of Aharoni et al. as the Examiner asserts. Applicants respectfully submit that Aharoni et al. does not disclose or suggest where a first network is used when a video content transmission request is transmitted to the video content transmitting system from the video content play terminal and the second network is used when the video contents are transmitted from the video content transmitting service to the video content play terminal in response to the video content transmission request.

Accordingly, Applicants submit that Aharoni et al. does not disclose or suggest the limitations in the combination of claim 6 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

Claims 1-3, 7-9, 11 and 12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Aharoni et al. in view of Van. Applicants respectfully traverse these rejections.

Van discloses a client-server protocol support list in the context of standard request-response protocols such as HTTP. A request is received according to a predetermined transport protocol. In response to receiving the request, the method transmits a list of supported client server protocols in order of server preference, in accordance with the predetermined transport protocol. In one embodiment, the

request is an options request under HTTP. In one embodiment, the list is not a complete list of the protocols supported by the server.

Regarding claims 1, 7, 9 and 11, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, a table for storing information of a network protocol usable for video content transmission between a video content play terminal and a video content transmitting terminal that includes a name of each network protocol capable of video content transmission between each terminal and each video content transmitting server. As noted previously, Aharoni et al. does not disclose or suggest these limitations in the claims of the present application. The Examiner again takes Official Notice that a table would be obvious to one of ordinary skill in the art. However, as noted previously, Applicants respectfully request the Examiner to provide a prior art reference to support not just a table, but a table storing a name of each network protocol capable of video content transmission between each terminal and each video content transmitting server. Van also fails to disclose or suggest these limitations in the claims of the present application. Van merely provides for a client-server protocol support list. The list is a list including a protocol suitable for the server according to a predetermined transport protocol (see the Summary of the Invention). In contrast, the claims of the present application relate to a protocol for use in each combination of server and terminal being predetermined and video contents being transmitting in accordance with the predetermined protocol by

referring to the correspondence table (see Fig. 4). Van discloses nothing but holding a list of protocols based on which server can transport data. This is not a table indicative of protocols by which communication for each combination of servers and terminals is possible, as recited in the claims of the present application. According to the present invention, in response to a request a terminal can receive video contents from a server when the server among a plurality of servers corresponds to the terminal in respect of protocol by a protocol from such table and server selecting means. Neither Aharoni et al. nor Van relate to or disclose or suggest these features as recited in the claims of the present application.

Regarding claims 3, 8, 12 and new claim 13, Applicants submit that these claims are dependent on one of independent claims 1, 7 and 11 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Applicants submit that none of the cited references disclose or suggest a first network being used when a video content transmission request is transmitted to the video content transmitting system from the video content play terminal and a second network is used when the video contents are transmitted from the video content transmitting service to the video content play terminal in response to the video content transmission request, or storing an address for identifying the video content play terminal that issued the video content transmission request via the first network and an address for identifying the video content play terminal receiving the video contents via the second network.

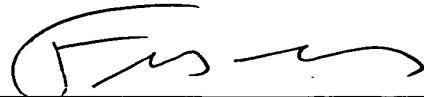
Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1, 3, 7-9 and 11-13 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 3, 4 and 6-13 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 500.39531X00).

Respectfully submitted,

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